IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE NINTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 16039 of 2004

Between:

1 P. Krishna Murthy, S/o. Late P.Ramaiah,
R/o. H.No. 40/807-A(Upstairs) Nehrunagar, Kurnool.
2 J. Krishnaveni, W/o. J. Venugopal,
R/o. H.No. 11-117-7, Abbas Nagar, Kurnool.

..... PETITIONERS

AND

1 The State of A.P. represented by its Secretary, Registration & Stamps Department, Secretariat Buildings, Hyderabad.
2 The District Registrar, Registration & Stamps Department, Kurnool.
3 The Sub-Registrar, 1321 Kurnool (RO), Kurnool.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction particularly Writ of Mandamus directing the respondents to accept the market value of Rs.10,000/- per acre in respect of S.No.149-B of Mamidalapadu Revenue Village, within jurisdiction of Sub-Registrar, 1321 Kurnool (R.O.) and issue the valuation certificate to enable the petitioners to get the sale deed executed by Bharadwaja Kameswara Singh and Soma Balaveeraiah of Kurnool town registered in their favour, in pursuance of an agreement of sale entered in their favour, in pursuance of an agreement of sale entered between them on 19-8-2004 in respect of 1 Acre 76 cents of land in S.No. 149/B out of Ac.3-19 cents situated in Mamidalapadu Revenue Village.

Counsel for the Petitioners: MR.M.N.NARASIMHA REDDY

Counsel for the Respondents : G.P. FOR STAMPS & REGISTRATION.

The Court at the stage of admission made the following ORDER:

Heard learned counsel for the petitioners and learned Government Pleader for Stamps and Registration.

Petitioners without submitting the document for registration by enclosing the statement of the market value, as assessed based on the market value register, cannot complain that the respondents are insisting them to purchase stamps as per the valuation of the adjoining land. Unless the valuation certificate insisted to be enclosed along with the document, the petitioners cannot complain that the action of the respondents is arbitrary and illegal in not issuing the valuation certificate by them.

It is needless to say that as and when a document is submitted along with necessary particulars, the Sub-Registrar -
third respondent is under obligation to register the same. If all the conditions prescribed for registration are not complied with and if the market value paid is not in accordance with the market value register, the Sub-Registrar is under obligation to pass necessary orders for referring the same to the Collector under Section 47-A of the Indian Stamp Act.

The writ petition is accordingly disposed of with the above observations. No orders as to costs.

_____

A.Gopal Reddy, J

Date: 09.09.2004

Note: Furnish CC in 3 days

B/o.

va

To

1 The Secretary, State of A.P., Registration & Stamps Department, Secretariat Buildings, Hyderabad.
2 The District Registrar, Registration & Stamps Department, Kurnool.
3 The Sub-Registrar, 1321 Kurnool (RO), Kurnool.

4 Two CCs to G.P. for Stamps and Registration, High Court of A.P., Buildings, Hyderabad(OUT)

5 Two CD Copies